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EXAMINER	
DIVECHA, KAMAL B	

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Best Available Copy

Office Action Summary	Application No.	Applicant(s)	
	10/002,469	KAUFFMAN, MARC W.	
	Examiner	Art Unit	
	KAMAL B. DIVECHA	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 May 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 November 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Arguments

Claims 1-21 are pending in this Office Action.

Applicant has amended claims 1 and 6-7; therefore the Examiner withdraws prior 35 USC 112, 2nd paragraph rejection with respect to claim 1, 6-7.

Applicant has cited that it is unclear weather claims 8, and dependent claims 9-16 have been rejected under 35 USC 112, 2nd paragraph or 35 USC 112 1st paragraph. Examiner has rejected the claims 8-16 on 35 USC 112, 2nd paragraph as being lack of antecedent basis in the specification meaning; the specification fails to disclose the claimed limitation. See the detailed action for 35 USC 112 1st paragraph rejection.

Applicant's arguments filed May 11, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that the Office Action has not established a prima facie case of obviousness in rejecting claims 1, 5, 7; 2-3; 6 and that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation comes from the reference and is cited on pg. 4, 1st paragraph, pg. 5 and pg. 7 of the Office Action.

In response to applicants argument that none of the references cited, teach or suggest a user defined Qos or reserving an amount of bandwidth for transporting a content object, the

applicant by amending the claim 1, 6-7 to include a user defined QOS, has invoked 35 USC 112, 1st paragraph (please see below). Further, Florschuetz does teach and suggests a user defined Qos, see col. 3 L9-35, col. 7 L19-23: determining bandwidth of the users Internet connection where the user indicates the bandwidth (QOS), see also fig. 3 item #s15, s17: Tmax and Tmin parameters (read as QOS) are content provider (interpreting as user) defined. Florschuetz further teaches the process of measuring the bandwidth of the users Internet connection when the user first visits the content provider and indicating and selecting the available bandwidth (see col. 3 L9-35 and col. 8 L43-53).

Regarding the process of reserving an amount of bandwidth for transporting a content object, McKinnon does teach and suggest reserving bandwidth for transmitting content. McKinnon teaches the process of allocating bandwidth (allocating is defined as a process to reserve for a purpose, therefore, allocating bandwidth is the process of reserving bandwidth for streaming content) to users. And therefore, the cited reference does teach the claimed limitation (see fig. 11 item #1108 and fig. 15a item #1508, col. 11 L15-20 of McKinnon).

Based on the applicant arguments with respect to claims 2-3; 6; 4, 8, 11, 13, 16, 17, 20; 9, 10, 18, 19; 14; 15 on pg. 10-18 of the response to arguments, the applicant inherently admits that all the claimed limitations except "user defined Qos and reserving an amount of bandwidth" are taught by the combination of Florschuetz, McKinnon, Duso, Malmlof and Wang. As per "user defined QOS or reserving an amount of bandwidth", Florschuetz and Mckinnon teaches and suggests this limitation (see above). Therefore, the rejection provided by the Office Action is proper and maintained.

In response to applicants argument that the Office Action has not established a proper prima facie case, the examiner states that the Office Action has properly established a prima facie case (see the action below).

In response to applicants arguments on pg. 16, the Office Action does not require to provide evidence of a reasonable expectation of success of such modification or combination as long as the modification or combination has some sort of motivation cited either in the reference or based on the level of knowledge available to the one of ordinary skilled in the art. Applicant has not provided evidence pretending to the combination of references cited by the Office Action onto why the combined references would not achieve the reasonable expectation of success of such a modification or combination.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 1 and 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per claim 1, the recited limitation "determining an amount of bandwidth for a user defined quality of service (QOS) to transport the content object" on pg. 2 of the reply to Office Action dated May 11, 2005, applicant fails to provide a support in the specification.

As per claim 8, the recited limitation "choosing a lower bit rate version of the content..." is not fully supported by the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 3, 8, 10 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the bandwidth" in the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the content" in the claim. There is insufficient antecedent basis for this limitation in the claim.

Claims 8, 10 and 17 are rejected for the same reasons as set forth in claims 1 and 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 5 and 7 are rejected under 35 U.S.C. 103(a) as being obvious over Florschuetz (U. S. Patent No. 6,601,009 B2) in view of McKinnon, III et al. (U. S. Patent No. 6,845,106 B2).

As per claim 1, Florschuetz discloses: A method for distributing a content object over a broadband connection to an end-user location (see abstract), the method comprising step of: determining an amount of bandwidth for a user defined quality of service (QOS) to transport the content object (col. 9 L1-5; col. 7 L18-24; col. 8 L25-32; col. 8 L43-53; fig. 3 step # S19); determining a period for transporting the content object (col. 9 L63-67 to col. 10 L1-7; fig. 3 block # S13); checking for availability of the amount of bandwidth to the end-user location over the period (col. 9 L26-62; col. 10 L37-40); and streaming the content object to the end-user location (col. 13 L56-61; col. 5 L1-5), however, Florschuetz does not explicitly disclose the step of reserving the bandwidth if available.

McKinnon, from the same field of endeavor explicitly discloses the method of allocating the bandwidth to the users (read as reserving the bandwidth, fig. 11 step # 1108). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of McKinnon as stated above with Florschuetz in order to reserve the bandwidth.

One of ordinary skilled in the art would have been motivated because doing so would have increased the throughput rate – the amount of data actually transmitted successfully in a given time interval, for acceptable levels of service, and would have also provided higher QoS standards. The throughput rates of data for voice and video would have been provided at a higher rate than throughput rates of data for the traditional Internet services, thereby increasing the performance of voice and video applications and services (McKinnon, III, col. 3 L28-67 to col. 4 L1-20).

As per claim 5, Florschuetz discloses the process for distributing the content object over the broadband connection to the end-user location further comprising a step of determining if a lower QoS is acceptable to an end-user if the check for availability is unsuccessful (col. 9 L1-45).

As per claim 7, Florschuetz does not explicitly disclose the process of determining bandwidth usage by the end-user location based on **at least one of a** number of reservations made, an amount of bandwidth reserved, a length of reservation, and a portion of bandwidth used for the amount of bandwidth reserved. McKinnon discloses a method for calculating the bandwidth that is expected to be consumed (read as determining the usage) based on the bandwidth that is actually consumed (used) by a user for the time interval (read as portion of bandwidth used for the amount of bandwidth reserved, col. 13 L5-30; col. 11 L15-20). Therefore, it would have been obvious to a person of ordinary skilled in the art to incorporate the teaching of McKinnon as stated above with Florschuetz in order to determine the usage. One of ordinary skilled in the art would have been motivated because it would have determined the exact amount of bandwidth used by the end-user from the allocated bandwidth.

4. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being obvious over Florschuetz (U. S. Patent No. 6,601,009 B2) in view of McKinnon, III et al. (U. S. Patent No. 6,845,106 B2) and further in view of Duso et al (U. S. Patent No. 5,892,915).

As per claim 2, Florschuetz in view of McKinnon do not explicitly the process of beginning to buffer the content object before the streaming step. Duso, from the same field of endeavor, explicitly discloses the step of buffering the object or data before streaming the data (fig. 12 item # 133). Therefore, it would have been obvious to a person of ordinary skilled in the

art at the time the invention was made to incorporate the teaching of Duso as stated above eith Florschuetz in view of McKinnon in order buffer the content before streaming the content. One of ordinary skilled in the art would have been motivated because the step of buffering before steaming the content or data would have provided parallelism and scalability (Duso, col. 5 L48-52) and would have also increased the transmission efficiency or streaming efficiency by buffering the isochronous data streams before the streaming process.

As per claim 3, Florschuetz in view of McKinnon do not explicitly disclose the process of beginning to cache the content object before the streaming step. Duso, from the same field of endeavor, explicitly discloses the step of caching the object (read as content object) before the streaming step (fig. 16; fig. 9; fig. 12 item #132 and fig. 15). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Duso as stated above with Florschuetz in view of McKinnon in order to cache the content object before streaming the content. One of ordinary skilled in the art would have been motivated because the step of caching before steaming the content or data would have provided parallelism and scalability (Duso, col. 5 L48-52) and would have also increased the transmission efficiency or streaming efficiency by caching the isochronous data streams before the streaming process.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being obvious over Florschuetz (U. S. Patent No. 6,601,009 B2) in view of McKinnon, III et al. (U. S. Patent No. 6,845,106 B2), and further in view of Malmlof (U. S. Patent No. 6,594,241 B1).

As per claim 6, Florschuetz in view of McKinnon, III et al., discloses the process of determining the amount of bandwidth available over the period, where the amount of bandwidth

is less than that required for user defined QoS (Florschuetz, col. 10 L37-40; col. 8 L25-53), however, Florschuetz in view of McKinnon does not disclose the process of determining a buffer amount to provide adequate QoS; and storing the buffer amount corresponding to a portion of the content object proximate to the end user location.

Malmlof, from the same field of endeavor, explicitly discloses the process of determining the buffer amount (fig. 13 step # 104) and the step of storing the buffer amount (fig. 13 step #106). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Malmlof as stated above with Florschuetz in view of McKinnon in order to determine a buffer amount and store the buffer amount.

One of ordinary skilled in the art would have been motivated because buffer memory are designed to control and utilize the quality of service parameters such as the transfer rate in order to provide a requested quality of service by the user. It would have also provided high throughput, low delays and lower jitter by controlling the data transfer to the buffer according to the capacity of the buffer memory.

6. Claims 4, 8, 11, 13, 16, 17 and 20 are rejected under 35 U.S.C. 103(a) as being obvious over Florschuetz (U. S. Patent No. 6,601,009 B2) in view of McKinnon, III et al. (U. S. Patent No. 6,845,106 B2) and further in view of Wang et al (U. S. Patent No. 6,434,197 B1).

As per claim 4, Florschuetz in view of McKinnon does not explicitly disclose the process of converting the content object to a lower bit rate if the check for availability is unsuccessful. Wang, from the same field of endeavor, explicitly discloses the method of format conversion and further converting of the bit rate from a high to a low rate (col. 5 L35-63; col. 1 L54-63). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the

invention was made to incorporate the teaching of Wang as stated above with Florschuetz in view of McKinnon for the purpose of converting the content object to a lower bit rate. One of ordinary skilled in the art would have been motivated because for many applications, the pre-compressed bit streams must correspond with only specific allowable, or otherwise desirable, video formats and rates. Accordingly, it is often necessary to change the format or other characteristics of the video data prior to communicating it to a set-top box to meet a rate requirement (Wang, col. 1 L5-35; col. 2 L55-61).

As per claim 8, Florschuetz in view of McKinnon III discloses A method for distributing a content object over a broadband connection to an end-user location (Florschuetz, see abstract), the method comprising step of: determining an amount of bandwidth for adequate quality of service (QOS) to transport the content object (Florschuetz, col. 9 L1-5; col. 7 L18-24; col. 8 L25-32; col. 8 L43-53; fig. 3 step # S19); determining a period for transporting the content object (Florschuetz, col. 9 L63-67 to col. 10 L1-7; fig. 3 block # S13); checking for availability of the amount of bandwidth to the end-user location over the period (col. 9 L26-62; col. 10 L37-40); reserving the bandwidth if available (McKinnon III, fig. 11 step # 1108); and streaming the content object to the end-user location (Florschuetz, col. 13 L56-61; col. 5 L1-5), however, Florschuetz in view of McKinnon III does not explicitly disclose the process of choosing a lower bit rate version of the content object if the check for availability is unsuccessful. Wang, from the same field of endeavor, explicitly discloses changing a high bit rate of the content to a low bit rate (as per applicants specification pg. 15 L15-28, applicant admits that the phrase choosing means determining, converting, and selecting, see Wang col. 2 L55-61; col. 5 L46-52). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the

invention was made to incorporate the teaching of Wang as stated above with Florschuetz in view of McKinnon for the purpose of choosing a lower bit rate version. One of ordinary skilled in the art would have been motivated because of the same reasons as set forth above for claim 4.

As per claim 11, Florschuetz in view of McKinnon discloses the process for distributing the content object over the broadband connection to the end-user location further comprising a step of determining if a lower QoS is acceptable to an end-user if the check for availability is unsuccessful (Florschuetz, col. 9 L1-45).

As per claim 13, Florschuetz in view of McKinnon III discloses the process for distributing the content object over the broadband connection to the end-user location further comprising a step of reserving the bandwidth at a future time (McKinnon III, col. 11 L48-56; col. 13 L5-45).

As per claim 16, Florschuetz in view of McKinnon III does not explicitly disclose the process of converting the content object into versions that have different bit rates. Wang explicitly discloses the process where first compressed digital video data would be processed to change its bit rate according to a second selection signal and the bit rate would be changed from variable to fixed, or from fixed to variable (col. 2 L55-61). Wang also discloses a transcoder, which is able to convert a pre-compressed digital video bit stream into another bit stream at a different rate and format (col. 1 L54-64; fig. 2; fig. 3). Therefore, it would have been obvious to a person of ordinary skilled in the art the time the invention was made to incorporate the teaching of Wang as stated above with Florschuetz in view of McKinnon III in order to convert the content into different bit rates. One of ordinary skilled in the art would have been motivated because of the same reasons as set forth in claim 4 above.

As per claims 17 and 20, they do not teach or further define over the limitations in claims 8 and 11. Therefore, claims 17 and 20 are rejected for the same reasons as set forth in claims 8 and 11.

7. Claims 12 and 21 are rejected under 35 U.S.C. 103(a) as being obvious over Florschuetz (U. S. Patent No. 6,601,009 B2) in view of McKinnon, III et al. (U. S. Patent No. 6,845,106 B2) and further in view of Wang et al (U. S. Patent No. 6,434,197 B1), and further in view of Malmlof (U. S. Patent No. 6,594,241 B1).

As per claim 12, Florschuetz in view of McKinnon, and further in view of Wang, discloses the process of determining the amount of bandwidth available over the period, where the amount of bandwidth is less than that required for adequate QoS (Florschuetz, col. 10 L37-40; col. 8 L25-53), however, Florschuetz in view of McKinnon and further in view of Wang does not disclose the process of determining a buffer amount to provide adequate QoS; and storing the buffer amount corresponding to a portion of the content object proximate to the end user location.

Malmlof, from the same field of endeavor, explicitly discloses the steps of determining the buffer amount (fig. 13 step # 104) and the step of storing the buffer amount (fig. 13 step #106). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Malmlof as stated above with Florschuetz in view of McKinnon and further in view of Wang in order to determine a buffer amount and store the buffer amount.

One of ordinary skilled in the art would have been motivated because buffer memory are designed to control and utilize the quality of service parameters such as the transfer rate in order

to provide a requested quality of service by the user. It would have also provided high throughput, low delays and lower jitter by controlling the data transfer to the buffer according to the capacity of the buffer memory.

As per claim 21, it does not teach or further define over the limitations in claim 12. Therefore, claim 21 is rejected for the same reasons as set forth in claim 21.

8. Claims 9, 10, 18 and 19 are rejected under 35 U.S.C. 103(a) as being obvious over Florschuetz (U. S. Patent No. 6,601,009 B2) in view of McKinnon, III et al. (U. S. Patent No. 6,845,106 B2), and further in view of Wang et al (U. S. Patent No. 6,434,197 B1), and further in view of Duso et al (U. S. Patent No. 5,892,915).

As per claim 9, Florschuetz in view of McKinnon and further in view of Wang does not disclose the process of beginning to buffer the content object before streaming step. Duso, from the same field of endeavor, explicitly discloses the step of buffering the object or data before streaming the data (fig. 12 item # 133). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Duso as stated above with Florschuetz in view of McKinnon and in further view of Wang in order buffer the content before streaming the content. One of ordinary skilled in the art would have been motivated because the step of buffering before steaming the content or data would have provided parallelism and scalability (Duso, col. 5 L48-52) and would have also increased the transmission efficiency or streaming efficiency by buffering the isochronous data streams before the streaming process.

As per claim 10, Florschuetz in view of McKinnon and further in view of Wang do not explicitly disclose the process of beginning to cache the content object before the streaming step.

Duso, from the same field of endeavor, explicitly discloses the step of caching the object (read as content object) before the streaming step (fig. 16; fig. 9; fig. 12 item #132 and fig. 15). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Duso as stated above with Florschuetz in view of McKinnon and further in view of Wang in order to cache the content object before streaming the content. One of ordinary skilled in the art would have been motivated because the step of caching before steaming the content or data would have provided parallelism and scalability (Duso, col. 5 L48-52) and would have also increased the transmission efficiency or streaming efficiency by caching the isochronous data streams before the streaming process.

As per claim 18 and 19, they do not teach or further define over the limitations in claims 9 and 10. Therefore, claims 18 and 19 are rejected for the same reasons as set forth in claims 18 and 19.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being obvious over Florschuetz (U. S. Patent No. 6,601,009 B2) in view of McKinnon, III et al. (U. S. Patent No. 6,845,106 B2), and further in view of Wang et al (U. S. Patent No. 6,434,197 B1), and further in view of Payne et al. (U. S. Patent No. 6,021,433).

As per claim 14, Florschuetz in view of McKinnon and further in view of Wang et al does not explicitly disclose the process of checking the service plan associated with the end-user location before allowing the reserving of bandwidth. Payne explicitly discloses the step of checking the service plans (col. 27 L16-18). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Payne as stated above with Florschuetz in view of McKinnon and further in view of Wang in

order to check the service plans associated with the end-users. One of ordinary skilled in the art would have been motivated because this would have enabled Internet service providers to check for the validity of the service plans since service plans typically dictate what kinds of feeds are available to a user (Payne, col. 27 L17-24).

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being obvious over Florschuetz (U. S. Patent No. 6,601,009 B2) in view of McKinnon, III et al. (U. S. Patent No. 6,845,106 B2), and further in view of Wang et al (U. S. Patent No. 6,434,197 B1), and further in view of Erami et al. (U. S. Patent No. 6,385,200 B1).

As per claim 15, Florschuetz in view of McKinnon and further in view of Wang does not explicitly disclose the process of checking the service tier (read as service rank) associated with the end-user location before allowing the reserving the bandwidth. Erami teaches the process of checking service rank (read as service tier), from any location in the network (col. 27 L45-60). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Erami as stated above with Florschuetz in view of McKinnon and further in view of Wang in order to check the service tier associated with the end-users. One of ordinary skilled in the art would have been motivated because this would have made easier for users to move, transfer, and connect the client terminals within the network (Erami, col. 27 L55-60).

Additional References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Szkopek et al. U. S. Patent No. 5,878,221.

b. Suzuki et al. U. S. Patent No 5,642,165.

c. Tran U. S Pub. No. 2002/0194609 A1.

d. Flurry et al. U. S. Patent No. 6,020,900.

e. Day et al., U. S. Patent No. 5,996,025.

f. Riggan et al., U. S. Patent No. 6,490,252 B1.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on 9.00am-5.30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 31, 2005.

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER